

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1656.00
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	November 16, 2000
DATE OF REPORT:	December 22, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 2, 2001

COMPLAINT ISSUES:

Whether the Vigo County School Corporation and the Covered Bridge Special Education District violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
 - a. failing to provide services during the first three weeks of the 2000-2001 school year;
 - b. placing the student in science and math classes that were different than those identified in the IEP;
 - c. failing to implement the student's behavioral intervention plan as written; and
 - d. failing to implement identified modifications or accommodations.

During the course of the investigation, the following additional issue was identified:

Whether the Vigo County School Corporation and the Covered Bridge Special Education District violated:

- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record (TOR) monitored the implementation of the student's IEP.

One extension of time was granted in this investigation because the school's response to the allegations was not provided until December 13, 2000, and the investigator required time to review the information and complete the report. The original deadline of December 15, 2000 was extended to December 22, 2000.

FINDINGS OF FACT:

1. The student is a fifteen-year-old, ninth-grader who has been determined eligible for special education and related services due to Other Health Impairment.
2. The student was in attendance and received services the first three weeks of the 2000-2001 school year, which began on August 22, 2000.
3. The student's February 1, 2000, CCC Summary/IEP indicated he was to be enrolled in Life Science with special education staff and Math Problem Solving with special education staff during the 2000-2001 school year. The student was enrolled in the Math Problem Solving class with special education support, however during the first three weeks of the 2000-2001 school year the student was enrolled in a Life Science class that did not utilize special education staff. On September 11,

2000, the student was transferred to a Collaborative Life Science class that is taught by both a regular education teacher and a special education teacher.

4. The student's May 19, 2000, CCC Summary indicates that beginning August 22, 2000, the student's Behavior Intervention Plan(BIP) would allow the student to:

- a. leave class 3 minutes early to go to the restroom, his locker and to report to his next class early; and
- b. go to the counselor or other adult when he feels or the teacher feels the need for cool down time.

The school states that "a" was not implemented. However, the student was not tardy to any of his classes, nor was he disciplined for not bringing materials to class during the first three weeks of school. The school states that "b" was implemented and that the student has not been refused the option of talking to an adult when he requested.

5. The student's February 1, 2000, CCC Summary/IEP goals and objectives for the 2000-2001 school year indicate modifications and accommodations to the general education program included reducing the length of homework assignments by 50%-75%. The school states this accommodation was made until October 4, 2000, at which time the student's CCC revised the modifications and accommodations.

CONCLUSIONS:

- 1a. Finding of Fact #2 reflects that the student received services during the first three weeks of the 2000-2001 school year. Therefore, no violation of 511 IAC 7-27-7(a) is found.
- 1b. Finding of Fact #3 reflects that the student was placed in the appropriate math class; however, the school initially failed to place the student in the appropriate Life Science class. The student was placed in the appropriate science class three weeks into the school year. Although a violation of 511 IAC 7-27-7(a) is found, no further corrective action will be required.
- 1c. Finding of Fact # 4 reflects that the school failed to allow the student to leave class three minutes early as required in the student's BIP in the May 19, 2000, CCC Summary. Although the school's failure to implement this part of the student's BIP did not result in any negative consequences to the student, a violation of 511 IAC 7-27-7(a) is found.
- 1d. Finding of Fact #5 reflects the school did implement the identified modifications and accommodations indicated in the student's February 1, 2000, CCC Summary/IEP. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #3 and #4 reflect that the TOR failed to adequately monitor the implementation of the student's IEP as evidenced by the student's initial placement in the wrong science class and the failure to implement one component of the student's BIP. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Vigo County School Corporation and the Covered Bridge Special Education District shall:

1. In-service all appropriate staff regarding the requirements as specified in

511 IAC 7-27-7(a), 511 IAC 7-27-7(b) and 511 IAC 7-17-72.

Submit documentation to the Division that the in-service has been completed no later than January 31, 2001. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed and a list of attendees by name and title.

2. Submit an assurance statement no later than January 31, 2001, that:
 - a. the Teacher of Record has notified appropriate staff of the requirements of the student's BIP; and
 - b. the BIP will be implemented as written.